

**COURT OF THE LOK PAL (OMBUDSMAN),
ELECTRICITY, PUNJAB,
PLOT NO. A-2, INDUSTRIAL AREA, PHASE-1,
S.A.S. NAGAR (MOHALI).
(Established under Sub Section 6 of Section 42
of the Electricity Act, 2003)**

APPEAL No. 62/2021

Date of Registration : 23.08.2021

Date of Hearing : 15.09.2021

Date of Order : 17.09.2021

Before:

**Er. Gurinder Jit Singh,
Lokpal (Ombudsman), Electricity, Punjab.**

In the Matter of:

M/s Baum Forge,
B-53, Phase-VII,
Focal Point, Ludhiana.

Contract Account Number: 3015009278 (LS)

...Appellant

Versus

Sr. Executive Engineer,
DS Focal Point (Spl.) Division,
PSPCL, Ludhiana.

...Respondent

Present For:

Appellant: Sh. Jivtesh Singh Nagi,
Appellant's Counsel.

Respondent : Er. Jagdeep Singh,
Sr. Executive Engineer,
DS Focal Point (Spl.) Division,
PSPCL, Ludhiana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 23.07.2021 of the Consumer Grievances Redressal Forum (Forum), Ludhiana in Case No. CGL-001 of 2021, deciding that:

“The amount charged to the consumer is correct in the light of record available. The approval accorded and conveyed to the consumer was of 1649.84 KW/1290 KVA (General) and 650 KW/710 KVA (PIU) making total load as 2299.84 KW/2000 KVA. So, he is authorized to use this load and CD only till the time the amended load/CD (General/PIU) is granted approval or effective from the date ex-post facto approval is accorded.”

2. Registration of the Appeal

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 23.08.2021 i.e. within stipulated period of thirty days of receipt of the decision dated 23.07.2021 of the CGRF, Ludhiana in Case No. CGL-001 of 2021. The Appellant was not required to deposit requisite 40% of the disputed amount as the Appellant had already deposited 100% of the disputed amount and the Appeal was on account of refund of the amount with interest. Therefore, the Appeal was registered and copy of the same was sent to the Sr. Executive

Engineer/ DS Focal Point (Spl.) Division, PSPCL, Ludhiana for sending written reply/ parawise comments with a copy to the office of the CGRF, Ludhiana under intimation to the Appellant vide letter nos. 1172-74/OEP/A-62/2021 dated 23.08.2021.

3. Proceedings

With a view to adjudicate the dispute, a hearing was fixed in this Court on 15.09.2021 at 11.30 AM and an intimation to this effect was sent to both the parties vide letter nos. 1265-66/OEP/A-62/2021 dated 09.09.2021. As scheduled, the hearing was held on 15.09.2021 in this Court. Arguments were heard of both parties and order was reserved. Copies of the proceedings were sent to the Appellant and the Respondent vide letter nos. 1276-77/OEP/A-62/2021 dated 15.09.2021.

4. Submissions made by the Appellant and the Respondent

Before undertaking analysis of the case, it is necessary to go through written submissions made by the Appellant and reply of the Respondent as well as oral submissions made by the Appellant's Counsel and the Respondent alongwith material brought on record by both the parties.

(A) Submissions of the Appellant

(a) Submissions made in the Appeal

The Appellant made the following submissions in its Appeal for consideration of this Court:

- (i) The Appellant was having Large Supply Category connection bearing Account No. 3015009278 with sanctioned load of 1649.84 kW and Contract Demand (CD) as 1110 kVA.
- (ii) The Appellant had applied for extension in load by 650 kW/ 890 kVA during 2017 thereby made total load of 2299.84 kW/ CD 2000 kVA (General Load 1290 kVA plus Power Intensive Load 710 kVA) vide A&A Form & test report for the same. The said extension in load was approved by Dy. CE/ DS City (East) Circle, PSPCL, Ludhiana vide Memo No. 8754 dated 27.09.2017.
- (iii) A revised A&A form for already sanctioned total load of 2299.84 kW/ 2000 kVA (i.e. no change in load/ demand) with general load of 1349.84 kW/ CD 1000 kVA and PIU load of 950 kW/ 1000 kVA from earlier applied general load of 1649.840 kW/ CD 1290 kVA and PIU load of 650 kW/ 710 kVA was submitted during 08/2018 well before the release of extension on 14.11.2018. Thus, the total load and CD had

remained the same. Further, a revised test report was also submitted alongwith the revised A&A form.

- (iv) A representation dated 23.08.2018, received by the Respondent on 28.08.2018 was also filed by the Appellant, praying for revision of load in terms of the new A&A form, which was marked for acceptance of ₹35,200/- as difference of Security on 14.09.2018.
- (v) The difference of security amounting to ₹ 35,200/- due to difference between General load and PIU load, thus revised, was also deposited on 14.09.2018 vide receipt no. 293/ 50769. The said load of 1349.84 kW/ CD 1000 kVA and PIU load of 950 kW/ 1000 kVA was released and reflected in the monthly bill of the Appellant on 14.12.2018 issued after the release of the extension during 11/2018 and thereafter regularly in the monthly bills, from which, it could be construed that the said revised load/ CD was duly sanctioned and approved by the Respondent.
- (vi) The Respondent in its written reply during the proceedings before the Forum had submitted that as per the job order issued for release of extension, the CD reflected in the said job order was 1000 kVA for General Load/1000 kVA for PIU Load

which was true as per the revised A&A form and test report submitted by the Appellant.

- (vii) As per tariff order for the FY 2018-19 issued by PSERC and circulated by the Respondent vide CC No. 23/2018 dated 24.04.2018, two- part tariff was introduced w.e.f. 01.04.2018 according to which fixed charges were also levied on the basis of sanctioned CD for both General and PIU Industry. There was a different slab for both fixed charges and tariff for the consumers having sanctioned CD upto 1000 kVA and a higher slab for consumers having CD more than 1000 kVA and upto 2500 kVA.
- (viii) A notice was issued to the Appellant vide Memo No. 4956 dated 11.10.2019 whereby demand of ₹ 7,48,296/- for the period 07.11.2018 to 03.10.2019 was made by the Respondent on account of difference in CD as per the bills issued to the Appellant having CD of 1000 kVA/ 1000 kVA for both PIU and General loads as applied by the Appellant during 08/2018 and alleged CD approved by the Respondent as 710 kVA/ 1290 kVA for PIU and General loads.
- (ix) A representation was made to AEE/ Commercial, Focal Point (Spl.) Divn., Ludhiana on 14.10.2019 and again on 18.11.2019,

with a request to withdraw the said notice. However, no action was taken by the Respondent.

- (x) The Appellant continued to receive the bills with the CD of 1000 kVA/ 1000 kVA even after the above notice was issued and the same continued till 22.09.2020 i.e. even for a period of almost one year after the first Notice dated 11.10.2019 for ₹ 7,48,296/- was issued.
- (xi) Another Notice vide Memo No. 3416 dated 09.10.2020 was again issued with an additional demand of ₹ 4,43,954/- on the same grounds for further period of 03.10.2019 to 31.05.2020.
- (xii) The said amounts were added in the monthly bills of the Appellant and to avoid any further action by the Respondent, the amount was deposited under protest by the Appellant. The plea taken by the Respondent was that the revised A&A form submitted by the Appellant was not approved by the Competent Authority i.e. Chief Engineer/ DS (Central), Ludhiana due to which his revised A&A form could not be accepted. No notice was ever issued to the Appellant, indicating that its revised A&A forms had not been accepted. Further, the Appellant was being billed with CD of 1000 kVA/ 1000 kVA regularly and no notice was ever issued to the Appellant. As such, Appellant

could not even dream of that its revised A&A form had not been accepted.

(xiii) The above plea of the Respondent was totally baseless and against the rules and regulations of the Respondent on the following grounds:

a) The load sanctioning authority for consumers with a load of upto 2000 kVA (Appellant falls in this category) was SE/ Dy. CE/ DS with the concurrence of CE/ Planning for general as well as PIU category of Load as per Clause 3.2.3(d) of ESIM dated 30.06.2018. As such, the A&A forms were never required to be approved by Chief Engineer/ DS and it was well within the competency of the Dy. CE/ DS who wrongly recommended the A&A forms for acceptance by CE/ DS and as such, he failed in discharging his duties. Further since the A&A forms have been recommended by the load sanctioning authority i.e. Dy. CE/ DS concerned which was as good as acceptance of the same. Moreover, it was an internal matter of the Respondent to get the documents approved from the Competent Authority. In case of any deficiency in the documents, the Respondent was required to give a notice to the consumer for removal of the said deficiency. No notice was ever issued to the Appellant regarding any deficiency in the

revised A&A forms and the Respondent failed in both the duties and now to cover up for their own negligence, they were making the Appellant a scapegoat. The Forum had erred in its observation that this was not a case of reduction in CD but it was a case of bifurcation of CD. The above contention of the Forum was not correct as the Appellant had applied for revised CD of 1000 kVA/ 1000 kVA from 1290 kVA/ 710 kVA during 08/2018 well before the release of the said CD during 11/2018. As such, the Appellant had applied for reduction in CD from 1290 kVA to 1000 kVA for general load and as such, the above regulation was fully applicable.

- b) Further, if the above release of extension was to be treated as release of a new connection or additional load/ demand without any change in total load/ total CD even then Regulation 8.1 (b) of Supply Code, 2014 was applicable as per which, the said revised extension should have been released within 45 days from the date of application during 08/2018.
- c) As per Regulation 8.5 of Supply Code, 2014 (amended to date), the request for reduction in connected load/ demand by a consumer shall be submitted on A&A form prescribed by the Distribution Licensee alongwith processing fee and test report. The request shall be granted by the Distribution Licensee

within a maximum period of 15 days from the date of its submission failing which the load/ demand shall be deemed to have been reduced as requested by a consumer. There was no denying fact that revised A&A forms with CD of 1000 kVA/ 1000 kVA and revised test report were duly submitted by the Appellant during 08/2018 well before the release of the extension during 11/2018. As such, the revised demand was deemed to be sanctioned right from the date of the release of the connection which was after almost 90 days from the date of submission of revised A&A form as per the above regulation.

- (xiv) The amount charged was wholly unjustified, against the rules and regulations and principles of natural justice.
- (xv) It was prayed that the revised A&A form submitted by the Appellant during 08/2018 and recommended by Dy. CE/ DS for acceptance be deemed to be accepted w.e.f. the date of submission of A&A form. The Demand Notices dated 11.10.2019 and 09.10.2020 be set aside being arbitrary, illegal and against the regulations of the Supply Code. The amount charged through above notices be refunded with interest @ base rate of SBI prevalent on 1st of April of the relevant year plus 2% from the date of payment till such time, the excess amount was adjusted as per Regulation 35.1.3 of Supply Code, 2014.

(b) Submission during hearing

During hearing on 15.09.2021, the Appellant's Counsel reiterated the submissions made in the Appeal and prayed to allow the same.

(B) Submissions of the Respondent

(a) Submissions in written reply

The Respondent submitted the following written reply for consideration of this Court:

- (i) The Appellant was having Large Supply Category connection bearing Account No. 3015009278 under Focal Point Division, Ludhiana.
- (ii) The Appellant had applied for extension of load 1110 kVA to 2000 kVA which was approved by the SE/ DS City East Circle, Ludhiana with total load comprising 1290 kVA (Gen.)+ 710 kVA (PIU) vide letter Memo No. 8754 dated 27.09.2017.
- (iii) Demand Notice was issued to the Appellant vide Memo No. 3675 dated 25.09.2017 after the approval from Circle Office. The Appellant meanwhile had asked for extension in compliance of Demand Notice for six months i.e. extended up to 24.09.2018. During that period of time, the Appellant submitted revised A&A Form of 2000 kVA in which he asked

for 1000 kVA (Gen.) + 1000 kVA (PIU) load and also, submitted Test Report on 23.08.2018. This revised A&A Form comprising load 1000 kVA (Gen.) + 1000 kVA (PIU) was sent by Dy. CE/ DS City East Circle, Ludhiana again to CE/ DS (Central), Ludhiana for load approval.

- (iv) The Chief Engineer's Office had sent back the A&A Form to SE Office vide Memo No. 9921 dated 22.10.2018 mentioning certain objections in the file. However, this load was not yet approved by any Competent Authority.
- (v) SCO was closed as on 14.11.2018 in which mistakenly the load entered in SAP was 1000 kVA (Gen) + 1000 kVA (PIU), therefore now as per Revenue Audit Party observations, the Appellant was charged with difference of Security and Tariff for load approved by Competent Authority i.e. 1290 kVA (Gen.) + 710 kVA (PIU).
- (vi) The Forum had decided that since load 1290 (Gen) kVA + 710 (PIU) kVA was already approved by SE/ DS City (East) Circle, therefore the amount charged to the Appellant by Revenue Audit Party was correct and payable.
- (vii) The Appellant applied for revised load of 1000 kVA (Gen.) +1000 kVA (PIU) instead of 1290 kVA (Gen.) + 710 kVA (PIU). This cannot be considered as reduction of load instead, it

would be termed as bifurcation of load only and therefore the Supply Code Regulation 8.1 (b) was not applicable to the subject cited case. Since the CT Capacity was also changed and under Supply Code, there was no reference to time limit for load bifurcation. The load of 1290 kVA (Gen.) + 710 kVA (PIU) was only approved by SE/ DS City (East) Circle, therefore, this load should be considered only. Thus, it was submitted that the amount charged to the Appellant due to difference in tariff was correct and recoverable.

(b) Submission during hearing

During hearing on 15.09.2021, the Respondent reiterated the submissions made in written reply to the Appeal and prayed to dismiss the Appeal. The Respondent confirmed that electric system laid for release of extension on 14.11.2018 is adequate even to feed the loads mentioned in the revised A&A forms. He informed that revised A&A form are still under process and no action has been taken to get the approval of the Competent Authority in respect of splitting/ bifurcation of loads as mentioned in revised A&A forms. The Respondent submitted copies of letters written to higher authorities for obtaining approval of revised A&A forms. One set of these letters was handed over to the Appellant Counsel.

5. Analysis and Findings

The issues requiring adjudication areas under:-

- a) Legitimacy of the amount of ₹ 11,92,250/- (₹ 7,48,296/- plus ₹ 4,43,954/-) charged to the Appellant on account of difference of Security and Tariff through Notices bearing Memo Nos. 4956 dated 11.10.2019 and 3416 dated 09.10.2020.
- b) Whether the revised A&A form submitted by the Appellant during 08/2018 and recommended for acceptance by Dy. CE/ DS to the CE/ DS concerned should be considered deemed to have been accepted with effect from the date of submission of the A&A form or not?
- c) Whether the amount charged as per para (a) should be refunded with interest as per Regulation 35.1.3 of Supply Code, 2014?

My findings on the points emerged, deliberated and analyzed are as below:

- (i) The Appellant's Counsel had argued that the Appellant had applied for extension in load by 650 kW/ 890 kVA during 2017 thereby making a total load of 2299.84 kW/ CD 2000 kVA (General Load 1290 kVA plus Power Intensive Load 710

kVA) vide A&A Forms & test report for the same. The said extension in load was approved by Dy. CE/ DS of PSPCL vide Memo No. 8754 dated 27.09.2017. Later on, revised A&A form in respect of already sanctioned total load of 2299.84 kW/ 2000 kVA (i.e. no change in total load/ demand) with General Load of 1349.84 kW/ CD 1000 kVA and PIU Load of 950 kW/ 1000 kVA from earlier applied General Load of 1649.840 kW/ CD 1290 kVA and PIU Load of 650 kW/ 710 kVA was submitted during 08/2018 well before the release of extension on 14.11.2018. Thus, the total load and CD had remained the same. Further, a revised test report was also submitted along with the A&A form. It was also pleaded that along with the new A&A form, ₹ 35,200/- were deposited by the Appellant on 14.09.2018 as difference of Security (Consumption) and Security (Meter).

- (ii) The security amounting to ₹ 35,200/- due to difference between General Load and PIU Load was deposited on 14.09.2018 vide receipt no. 293/ 50769. The said load of 1349.84 kW/CD 1000 kVA and PIU load of 950 kW/ 1000 kVA was released and reflected in the monthly bill of the Appellant on 14.12.2018 issued after the release of the extension during 11/2018 and thereafter the same was regularly reflected in the monthly bills,

from which, it could be construed that the said revised load/ CD was duly sanctioned and approved by the Respondent.

- (iii) The Respondent in its written reply during the proceedings before the Forum had submitted that as per the job order issued for release of extension, the CD reflected was 1000 kVA for General Load & 1000 kVA for PIU Load which was correct as per the revised A&A form and test report submitted by the Appellant.
- (iv) As per tariff order for the FY 2018-19 issued by PSERC and circulated by the Respondent vide CC No. 23/2018 dated 24.04.2018, two part tariff was introduced w.e.f. 01.04.2018 according to which fixed charges were also levied on the basis of sanctioned CD for both General and PIU Industry. There was a different slab for both fixed charges and tariff for the consumers having sanctioned CD upto 1000 kVA and a higher slab for consumers having CD more than 1000 kVA and upto 2500 kVA.
- (v) Notice was issued vide Memo No. 4956 dated 11.10.2019 by AEE/ Commercial Focal Point (Spl.) Divn., Ludhiana as per observations of the Revenue Audit Party whereby demand of ₹ 7,48,296/- for the period 07.11.2018 to 03.10.2019 was raised on account of difference in CD as per the bills issued to the

Appellant having CD of 1000 kVA/ 1000 kVA for both PIU and General Loads as applied by the Appellant during 08/2018 and alleged CD approved by the Respondent as 710 kVA/ 1290 kVA for PIU and General Loads. The Appellant had made a representation to the Respondent on 14.10.2019 and again on 18.11.2019 with a request to withdraw the said notice.

- (vi) The Appellant continued to receive the bills with the CD of 1000 kVA/ 1000 kVA even after the above notices were issued and the same continued till 22.09.2020 i.e. even for a period of almost one year after the first Notice dated 11.10.2019 for ₹ 7,48,296/- was issued.
- (vii) Later on, another Notice bearing Memo No. 3416 dated 09.10.2020 was issued by AEE/ Comml. Focal Point (Spl.) Divn., Ludhiana on the checking of the Revenue Audit Party. An additional amount of ₹ 4,43,954/- was charged on the same grounds for a further period of 03.10.2019 to 31.05.2020.
- (viii) The Appellant had deposited the said amounts to avoid any further action by the Respondent. The Appellant had no concern with the plea taken by the Respondent that the revised A&A form submitted by the Appellant was not approved by the Competent Authority. The Appellant had requested for change in General as well as PIU loads/ demands and its request was

not declined within the stipulated period. It amounted that the request of the Appellant for change in General as well as PIU loads/ demands had been acceded to by the Respondent and thereafter, any demand raised by the Respondent was wrong and not payable by the Appellant. The Appellant was not concerned with any internal arrangement of the Respondent where it had been provided that upto such and such load the competency to approve the same lies with such and such authority. The Appellant was never issued any letter indicating that its revised A&A forms had not been accepted. Further, the Appellant was being billed with the CD of 1000 kVA/ 1000 kVA regularly and as such, the Appellant could not even dream of that its revised A&A form had not been accepted.

- (ix) The Appellant's Counsel argued that the load sanctioning authority for consumers with a load upto 2000 kVA (Appellant falls in this category) was SE/ DS with the concurrence of CE/ Planning for General as well as PIU category of Load as per Clause 3.2.3(d) of ESIM dated 30.06.2018. As such, the A&A forms were never required to be approved by the Chief Engineer/ DS. The A&A forms were wrongly recommended by the Dy. CE/ DS to the CE/ DS for acceptance and thus he failed in discharging his duties. Moreover, it was an internal matter of

the Respondent to get the documents approved from the Competent Authority and in case of any deficiency in the documents, the Respondent was required to give a notice to the consumer for removal of the said deficiency. No notice was ever issued to the Appellant regarding any deficiency in the revised A&A forms. The Respondent failed in its duties and now to cover up for its own negligence, it was making the Appellant a scapegoat.

- (x) Even if the release of connection under new A&A forms was to be treated as release of a new connection or additional load/ demand without any change in total load/ total CD even then Regulation 8.1 (b) of Supply Code, 2014 was applicable as per which, the said extension should have been released within 45 days from the date of compliance of demand notice on 14.09.2018.
- (xi) The Appellant's Counsel had argued that the demands raised vide Notices dated 11.10.2019 and 09.10.2020 issued by the Respondent be set aside being arbitrary, illegal and against the regulations of the Supply Code, 2014. Further, the amount charged through above notices be refunded with interest to the Appellant and its revised A&A form submitted during 08/2018

be deemed to have been accepted with effect from the date of its submission.

- (xii) The Respondent pleaded that the Appellant had applied for extension of CD from 1110 kVA to 2000 kVA which was approved by the SE/ DS City East Circle, Ludhiana with total load comprising 1290 kVA (Gen.) + 710 kVA (PIU) vide Memo No. 8754 dated 27.09.2017. Demand Notice was issued to the Appellant vide Memo No. 3675 dated 25.09.2017 after the approval from the Circle Office. The Appellant meanwhile had asked for extension in compliance of Demand Notice for six months which was extended up to 24.09.2018. During that period of time, the Appellant submitted revised A&A Form of 2000 kVA contract demand in which he asked for 1000 kVA (Gen.) + 1000 kVA (PIU) load and also, submitted Test Report on 23.08.2018. This revised A&A Form comprising load of 1000 kVA (Gen.) + 1000 kVA (PIU) was sent by the Dy. CE/ DS City East Circle, Ludhiana again to the CE/ DS Office for load approval. It was returned by the said office vide Memo No. 9921 dated 22.10.2018 by raising certain objections. However, this load was not yet approved by any Competent Authority. SCO (Service Connection Order) was closed as on 14.11.2018 in which mistakenly the load entered in SAP was

1000 kVA (Gen) + 1000 kVA (PIU). Therefore, now as per the Revenue Audit Party observations, the Appellant was charged with difference of Security and Tariff for load approved by Competent Authority i.e. 1290 kVA (Gen.) + 710 kVA (PIU). The decision of the Forum was correct and might be upheld.

- (xiii) The Appellant although applied for revised load of 1000 kVA (Gen.) + 1000 kVA (PIU) instead of 1290 kVA (Gen.) + 710 kVA (PIU) but this cannot be considered as reduction of load. Instead, it would be termed as bifurcation of load only and therefore, the Supply Code Regulation 8.1 (b) was not applicable to the subject cited case. CT Capacity was also changed and there was no reference to time limit for load bifurcation in Supply Code, 2014. The load of 1290 kVA (Gen.) + 710 kVA (PIU) was only approved by the SE/ DS City East Circle & therefore, this load should be considered only. The amount charged to the Appellant due to difference in Tariff was correct and recoverable,
- (xiv) This Court had observed that case for extension in load from 1110 kVA to 2000 kVA (1290 kVA as General + 710 kVA as PIU) was approved by the Dy. CE/ DS City East Circle, Ludhiana during 09/2017 & demand notice was issued on 25.09.2017. Later on, the Appellant requested for extension in

compliance of demand notice for six months which was extended upto 24.09.2018 and during that period of time, the Appellant had submitted revised A&A form of 2000 kVA in which it asked for 1000 kVA General + 1000 kVA PIU loads and also submitted test report on 23.08.2018. The revised A&A form was sent by the Respondent to higher authorities for acceptance/ approval and the same is still pending even after lapse of more than three years without any valid reason. There is no objection in respect of revised A& A forms which is to be cleared by the Appellant. Further, the load as per revised A&A forms continued to be depicted in the monthly electricity bills from 12/2018 to 22.09.2020. It amounts to deficiency in the services of the Respondent.

- (xv) In fact, the Respondent has been found negligent in performing its duties. The Respondent had not acted with care and failed to process A&A forms submitted by the Appellant during 08/2018 well before release of extension on 14.11.2018. These forms are still lying unattended even after lapse of 3 years although all formalities stand completed by the Appellant. The perusal of copies of Memo Nos. 4716 dated 30.10.2019, 9921 dated 22.10.2018 & 11146 dated 01.11.2019 attached with the written reply of the Respondent reveal that unnecessary delays

were on the part of the Respondent and the Appellant was not responsible for delays in processing of revised A&A forms. Had the Respondent acted wisely in approving or disapproving the revised bifurcation of load of the Appellant well in time, this dispute would not have arisen. It is pertinent to mention here that the Appellant had no access to the internal working system of the Respondent and once its load started appearing in the monthly electricity bills as per its request then it was wise and prudent for the Appellant to presume that its request for change in load has been accepted by the Respondent.

(xvi) The Respondent has violated the provisions contained in Regulation 8.1(b) of Supply Code, 2014 which are reproduced hereunder: -

“In cases where augmentation/ extension of a distribution main or augmentation of power transformer or erection/augmentation of distribution transformer is required but there is no requirement of erecting and commissioning a new sub-station or power transformer, the supply shall be provided within the period specified hereunder:

<i>Type of service connection requested</i>	<i>Period from date of compliance of Demand Notice within which the distribution licensee shall provide supply</i>
<i>High Tension (HT) supply ■ 11000 volts</i>	<i>45 days</i>
<i>--</i>	<i>--</i>

Provided that the distribution licensee may, at the earliest but not later than fifteen days before the expiry of the time schedule, seek approval of the Commission, for extension of period specified above, in cases where the magnitude of work involved for extension/ augmentation of the supply system is such that the distribution licensee may reasonably require more time.

The case for release of connection under revised A&A forms submitted during 08/2018 should have been released within 45 days from the date of compliance of demand notice on 14.09.2018. The Licensee had not approached the Commission to seek approval for extension of above mentioned period of 45 days.

Since the Respondent had not informed about the fate of A&A forms submitted by the Appellant for bifurcation of its load General as 1000 kVA and PIU as 1000 kVA and even updated the same as per the request of the Appellant in its system so the Respondent is barred by its own act and conduct from agitating the matter on the ground that the load of the Appellant was not approved by the Competent Authority of the Respondent. The above is suffice to conclude that the Respondent had acted in this case in an irresponsible and careless manner.

(xvii) The Respondent cannot take benefits of its own wrongs committed by its officers/ officials in not performing their duties with due care and caution. This Court also recommends that suitable disciplinary action may be initiated against delinquent officers/ officials of the Respondent who were negligent in performing their duties and failed to get approval of the load/ demand as per revised A&A form till today.

(xviii) There would be no change in electrical system laid for feeding the connection of the Appellant even if the loads as mentioned in the revised A&A forms are released. There is no technical objection in the proposals submitted to the Competent Authority by the Respondent. The Appellant is being unnecessarily harassed due to internal delays in the offices of PSPCL. The justice can be given to the Appellant only by treating the load (as per revised A&A forms) released with effect from 14.11.2018 for which all formalities stand completed by the Appellant well before this date. The monthly billing as per the load mentioned in revised A&A form continued in respect of this connection from 12/2018 to 22.09.2020.

(i) From the above analysis, it is concluded that the Respondent was negligent in performing its duties. The demand amounting

to ₹ 11,92,250/- (₹ 7,48,296/- plus ₹ 4,43,954/-) raised through Notices bearing Memo Nos. 4956 dated 11.10.2019 and 3416 dated 09.10.2020 is hereby set aside. The billing should be done by considering deem date of release of the bifurcated load mentioned in the revised A&A forms (submitted during 08/2018) as 14.11.2018.

6. Decision

- (i) As a sequel of above discussions, the order dated 23.07.2021 of the CGRF, Ludhiana in Case No. CGL-001 of 2021 is set aside.
- (ii) The demands raised by AEE/ Commercial, Focal Point Division, PSPCL, Ludhiana vide Memo Nos. 4956 dated 11.10.2019 & 3416 dated 09.10.2020 are set aside.
- (iii) The billing should be done by considering deem date of release of bifurcated load (as per revised A&A forms submitted by the Appellant during 08/2018) as 14.11.2018.
- (iv) Accordingly, the Respondent is directed to recalculate the demand and refund/ recover the amount found excess/ short, if any, after adjustments as per instructions of the PSPCL.

7. The Appeal is disposed of accordingly.

8. As per provisions contained in Regulation 3.26 of Punjab State Electricity Regulatory Commission (Forum and Ombudsman)

Regulations-2016, the Licensee will comply with the award/ order within 21 days of the date of its receipt.

9. In case, the Appellant or the Respondent is not satisfied with the above decision, it is at liberty to seek appropriate remedy against this order from the Appropriate Bodies in accordance with Regulation 3.28 of the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations-2016.

September 17, 2021
S.A.S. Nagar (Mohali)

(GURINDER JIT SINGH)
Lokpal (Ombudsman)
Electricity, Punjab.

